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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 03-07-70344 BZ
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXTENDING THE TIME LIMIT FOR THE
v.)	PRELIMINARY HEARING AND
)	EXCLUDING TIME
JOHN DOE aka VADINHO aka)	
GERARDO GUILLERMO RUIZ-)	
SANCHEZ,)	
)	
Defendant. _____)	
_____)	

On June 22, 2007, the parties appeared before the Court and stipulated that time should be excluded from the Speedy Trial Act calculations from June 22, 2007 through July 10, 2007. Further, counsel for the defendant waived the defendant's right to a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P. 5.1(c), (d).

The parties now stipulate and request that the Court enter an Order that the Preliminary Hearing be removed from the July 10, 2007 calendar and be continued until August 2, 2007 and that time should be excluded from the Speedy Trial Act calculations from July 10, 2007 through

1 August 2, 2007 for effective preparation of counsel.

2 The Government is in the process of preparing and providing discovery to the defendant.
3 Further, counsel for the Government and defense counsel are currently discussing pre-indictment
4 resolution of this matter. Finally, counsel for the defendant does not believe it is within his
5 client's best interest to hold a preliminary hearing within 10 days, pursuant to Fed. R. Crim. P.
6 5.1(c),(d). The parties represent that granting this continuance is necessary for effective
7 preparation of counsel to permit defense counsel to review discovery and to afford counsel time
8 to discuss pre-indictment resolution, taking into account the exercise of due diligence. See 18
9 U.S.C. § 3161(h)(8)(B)(iv).

10 IT IS SO STIPULATED.

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12 SCOTT N. SCHOOLS
United States Attorney

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14 DATED: July 9, 2007

15 /s/
DENISE MARIE BARTON
Assistant United States Attorney

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17 DATED: July 9, 2007

18 /s/
GEORGE BOISSEAU
Attorney for JOHN DOE aka VADINHO
19 aka GERARDO GUILLERMO RUIZ-
20 SANCHEZ

21 **IT IS SO ORDERED.**

22 The Preliminary Hearing shall be removed from the July 10, 2007 calendar and be
23 continued until August 2, 2007. For the reasons stated above, the Court finds that the ends of
24 justice served by the continuance outweigh the best interests of the public and the defendant in a
25 speedy trial and that time should be excluded from the Speedy Trial Act calculations from July
26 10, 2007 through August 2, 2007 for effective preparation of counsel. See 18 U.S.C.
27 §3161(h)(8)(A). The failure to grant the requested continuance would deny the defendant
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1 effective preparation of counsel, taking into account the exercise of due diligence, and would
2 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

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5 DATED: _____

6 Honorable James Larson
7 United States Magistrate Judge
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